

**JUDGMENT SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.**

Criminal Appeal No.S-211 of 2022

Appellant: Ghulam Murtaza @ Ali Gul through Mr.Imtiaz Ali Channa, Advocate.

Respondent: The State through Mr. Shawak Rathore, Deputy Prosecutor General Sindh.

Date of hearing: 04.05.2023.

Date of Decision: 04.05.2023.

**J U D G M E N T**

**Amjad Ali Sahito, J.** Through instant appeal, the appellant challenged the impugned judgment dated 03.12.2022, passed by learned trial Court/Additional Sessions Judge-IV, Dadu in crime No.85/2020 for the offence under section 324, 440, 337-F(iii), 337-F (vi), 114, 504, 34 PPC registered at PS Khudabad in S.C No.591/2020 [Re-The State v. Zulfiquar Lund and others], whereby the appellant was convicted and sentenced for offence u/s 324 PPC to suffer R.I. for four years with fine of Rs.5000/-; in case of default whereof to undergo for three months more; for offence u/s 337-F (iii) PPC to suffer RI for two years as Tazir and shall pay Rs.5000/- as Daman to PW/injured Wazir; for offence u/s 337-F (vi) PPC to suffer R.I for four years as Tazir and shall pay Rs.10,000/- as Daman to injured Wazir. All the sentences were ordered to run concurrently. It was further ordered that appellant shall be kept in jail in the same manner until Daman is paid. However, benefit of Section 382-B Cr.P.C. was extended to the appellant.

**2.** Learned counsel for the appellant states that the appellant has already served out entire sentence; however, there remains only total Daman amount of Rs.15000/-, which has been deposited with the Accountant of this Court and. He has

placed on record such receipt and requests that the appellant may be ordered to be released from Jail.

**3.** Learned D.P.G. Sindh has not objected the request made by the learned for the appellant.

**4.** Jail Roll dated 03.05.2023 called from Senior Superintendent, Central Prison, Hyderabad reflects that the appellant has served out entire sentence and he is only confined in Jail for want of payment of Daman amount i.e. total Rs.15000/- [Rupees fifteen thousand only].

**5.** In view of the above facts and circumstances, the request so made is allowed as only the appellant is confined for want of payment of Daman amount, which has been deposited today with the Accountant of this Court. Consequently, appellant Ghulam Murtaza @ Ali Gul is ordered to be released forth with if he is not required in any other custody case. The Accountant shall hand over the said Daman amount to injured Wazir after proper verification and identification.

**6.** Instant Criminal Appeal preferred against the impugned judgment since has become infructuous is accordingly disposed of.

JUDGE